

House File 2090 - Introduced

HOUSE FILE 2090

BY ALONS, CHAMBERS, SHAW,
KOESTER, J. SMITH, DEYOE,
IVERSON, and HUSEMAN

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles
2 and minitrucks on highways, providing for registration
3 of certain all-terrain vehicles and minitrucks by the
4 department of transportation, providing fees, and making
5 penalties applicable.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsections 4 and 32, Code
2 Supplement 2011, are amended to read as follows:

3 4. "*All-terrain vehicle*" means a motor vehicle designed
4 to travel on three or more wheels and designed primarily for
5 off-road recreational use. "*All-terrain vehicle*" includes
6 off-road utility vehicles ~~as defined in section 321I.1~~, but
7 does not include farm tractors or equipment, construction
8 equipment, forestry vehicles, or lawn and grounds maintenance
9 vehicles.

10 32. "*Implement of husbandry*" means a vehicle or special
11 mobile equipment manufactured, designed, or reconstructed
12 for agricultural purposes and, except for incidental uses,
13 exclusively used in the conduct of agricultural operations.
14 "*Implements of husbandry*" includes all-terrain vehicles operated
15 in compliance with section 321.234A, subsection 1, paragraph
16 "*a*", but not registered for operation upon a highway pursuant
17 to section 321.118; fence-line feeders; and vehicles used
18 exclusively for the application of organic or inorganic plant
19 food materials, organic agricultural limestone, or agricultural
20 chemicals. To be considered an implement of husbandry, a
21 self-propelled implement of husbandry must be operated at
22 speeds of thirty-five miles per hour or less.

23 a. "*Reconstructed*", as used in this subsection, means
24 materially altered from the original construction by the
25 removal, addition, or substitution of essential parts, new or
26 used.

27 b. A vehicle covered under this subsection, if it otherwise
28 qualifies, may be operated as special mobile equipment
29 and under such circumstances this subsection shall not be
30 applicable to such vehicle, and such vehicle shall not be
31 required to comply with sections 321.384 through 321.423, when
32 such vehicle is moved during daylight hours; however, the
33 provisions of section 321.383 shall remain applicable to such
34 vehicle.

35 Sec. 2. Section 321.1, Code Supplement 2011, is amended by

1 adding the following new subsections:

2 NEW SUBSECTION. 39. *"Minitruck"* means a motorized
3 four-wheeled vehicle that is propelled by an internal
4 combustion engine with a piston displacement capacity of one
5 thousand five hundred sixty cubic centimeters or less or an
6 electric motor with a rated power no greater than a ninety-two
7 volt system or a five hundred fifty ampere system; has a total
8 dry weight of not less than nine hundred and not more than
9 three thousand two hundred pounds; contains an enclosed cabin
10 and a seat for the vehicle operator; commonly resembles a
11 pickup truck or van, including a cargo area or bed located at
12 the rear of the vehicle; and was not originally manufactured
13 to meet federal motor vehicle safety standards required of
14 motor vehicles in 49 C.F.R. § 571.101 – 571.404, and successor
15 requirements.

16 NEW SUBSECTION. 47A. *"Off-road utility vehicle"* means as
17 defined in section 321I.1, subsection 16, paragraph "a".

18 Sec. 3. Section 321.20, subsection 1, paragraph e, Code
19 2011, is amended to read as follows:

20 e. The amount of the fee for new registration to be paid
21 under section 321.105A, the amount of tax to be paid under
22 section 423.26, subsection 1, ~~or~~ the amount of tax to be paid
23 under section 423.26A, or the amount of sales tax paid under
24 section 423.2.

25 Sec. 4. Section 321.105A, subsection 2, paragraph c,
26 Code Supplement 2011, is amended by adding the following new
27 subparagraph:

28 NEW SUBPARAGRAPH. (31) All-terrain vehicles and
29 minitrucks, if the owner has paid the sales tax required under
30 section 423.2 at the time the vehicle was purchased.

31 Sec. 5. NEW SECTION. 321.118 **All-terrain vehicle and**
32 **minitruck fees.**

33 1. The following vehicles may be titled and registered for
34 operation on noninterstate highways for an annual fee of forty
35 dollars:

1 a. An all-terrain vehicle equipped with headlights,
2 taillights, turn signals, and a rearview mirror.

3 b. A minitruck equipped with headlights, taillights, turn
4 signals, a rearview mirror, safety belts, and windshield
5 wipers.

6 2. For purposes of this section, "*all-terrain vehicle*"
7 means an all-terrain vehicle with four or more wheels and a
8 combustion engine having a piston or rotor displacement of two
9 hundred centimeters or more.

10 Sec. 6. Section 321.166, subsection 1, paragraph a, Code
11 2011, is amended to read as follows:

12 a. Registration plates shall be of metal and of a size not
13 to exceed six inches by twelve inches, except that the size
14 of plates issued for use on all-terrain vehicles, minitrucks,
15 motorized bicycles, motorcycles, motorcycle trailers, and
16 trailers with an empty weight of two thousand pounds or less
17 shall be established by the department.

18 Sec. 7. Section 321.166, subsection 4, Code 2011, is amended
19 to read as follows:

20 4. The registration plate number, except on all-terrain
21 vehicles, minitrucks, motorized bicycles, motorcycles,
22 motorcycle trailers, and trailers with an empty weight of two
23 thousand pounds or less, shall be of sufficient size to be
24 readable from a distance of one hundred feet during daylight.

25 Sec. 8. Section 321.234A, Code 2011, is amended to read as
26 follows:

27 **321.234A All-terrain vehicles and minitrucks — highway use.**

28 1. All-terrain vehicles and minitrucks shall not be
29 operated on a highway unless one or more of the following
30 conditions apply:

31 a. The operation is between sunrise and sunset and is
32 incidental to the vehicle's use for agricultural purposes. For
33 purposes of this paragraph, "*incidental to the vehicle's use*
34 *for agricultural purposes*" includes stopping in the course of
35 agricultural use to obtain fuel for the all-terrain vehicle or

1 minitruck or to obtain food or a nonalcoholic beverage for the
2 operator.

3 *b.* The operation is incidental to the vehicle's use for the
4 purpose of surveying by a licensed engineer or land surveyor.

5 *c.* The ~~all-terrain~~ vehicle is operated by an employee or
6 agent of a political subdivision or public utility for the
7 purpose of construction or maintenance on or adjacent to the
8 highway.

9 *d.* The ~~all-terrain~~ vehicle is operated by an employee or
10 agent of a public agency as defined in section 34.1 for the
11 purpose of providing emergency services or rescue.

12 *e.* The ~~all-terrain~~ vehicle is operated for the purpose
13 of mowing, installing approved trail signs, or providing
14 maintenance on a snowmobile or all-terrain vehicle trail
15 designated by the department of natural resources.

16 *f.* The ~~all-terrain~~ vehicle is operated on a county roadway
17 in accordance with section 321I.10, subsection 2, or a city
18 street in accordance with section 321I.10, subsection 3.

19 *g.* The vehicle is registered in accordance with section
20 321.118.

21 2. A person operating an all-terrain vehicle or minitruck on
22 a highway shall have a valid driver's license ~~and the vehicle~~
23 ~~shall be operated at speeds of thirty-five miles per hour or~~
24 ~~less.~~

25 3. An all-terrain vehicle that is owned by the owner of
26 land adjacent to a highway, other than an interstate road, may
27 be operated by the owner of the all-terrain vehicle, or by a
28 member of the owner's family, on the portion of the highway
29 right-of-way that is between the shoulder of the roadway, or at
30 least five feet from the edge of the roadway, and the owner's
31 property line. A person operating an all-terrain vehicle
32 within the highway right-of-way under this subsection shall
33 comply with the registration, safety, and age requirements
34 under chapter 321I.

35 4. A person convicted of a violation of this section is

1 guilty of a simple misdemeanor punishable as a scheduled
2 violation under section 805.8A, subsection 3.

3 Sec. 9. Section 321.445, subsection 1, Code 2011, is amended
4 to read as follows:

5 1. Except for motorcycles, ~~or~~ motorized bicycles, and
6 all-terrain vehicles, 1966 model year or newer motor vehicles
7 subject to registration in Iowa shall be equipped with safety
8 belts and safety harnesses which conform with federal motor
9 vehicle safety standard numbers 209 and 210 as published in
10 49 C.F.R. § 571.209 – 571.210 and with prior federal motor
11 vehicle safety standards for seat belt assemblies and seat belt
12 assembly anchorages applicable for the motor vehicle's model
13 year.

14 Sec. 10. Section 321.445, subsection 2, paragraph a, Code
15 2011, is amended to read as follows:

16 a. The driver and front seat occupants of a type of motor
17 vehicle that is subject to registration in Iowa, except a
18 motorcycle, ~~or a~~ motorized bicycle, or all-terrain vehicle,
19 shall each wear a properly adjusted and fastened safety belt
20 or safety harness any time the vehicle is in forward motion on
21 a street or highway in this state except that a child under
22 eighteen years of age shall be secured as required under
23 section 321.446.

24 Sec. 11. Section 321.446, subsections 1 and 2, Code 2011,
25 are amended to read as follows:

26 1. a. A child under one year of age and weighing less
27 than twenty pounds who is being transported in a motor vehicle
28 subject to registration, except a school bus, ~~or~~ motorcycle,
29 or all-terrain vehicle, shall be secured during transit in a
30 rear-facing child restraint system that is used in accordance
31 with the manufacturer's instructions.

32 b. A child under six years of age who does not meet the
33 description in paragraph "a" and who is being transported in
34 a motor vehicle subject to registration, except a school bus,
35 ~~or~~ motorcycle, or all-terrain vehicle, shall be secured during

1 transit by a child restraint system that is used in accordance
2 with the manufacturer's instructions.

3 2. A child at least six years of age but under eighteen
4 years of age who is being transported in a motor vehicle
5 subject to registration, except a school bus, ~~or~~ motorcycle,
6 or all-terrain vehicle, shall be secured during transit by a
7 child restraint system that is used in accordance with the
8 manufacturer's instructions or by a safety belt or safety
9 harness of a type approved under section 321.445.

10 Sec. 12. Section 321I.1, subsection 16, paragraph b, Code
11 2011, is amended to read as follows:

12 b. An owner of an off-road utility vehicle may register
13 or title an off-road utility vehicle in order to legally
14 operate the off-road vehicle on public ice, a designated
15 riding area, or a designated riding trail. The operator of an
16 off-road utility vehicle is subject to provisions governing
17 the operation of all-terrain vehicles in section 321.234A and
18 this chapter, but is exempt from the safety instruction and
19 certification program requirements of sections 321I.25 and
20 321I.26. An operator of an off-road utility vehicle shall not
21 operate the vehicle on a designated riding area or designated
22 riding trail unless the department has posted signage
23 indicating the riding area or trail is open to the operation
24 of off-road utility vehicles. Off-road utility vehicles are
25 exempt from the dealer registration and titling requirements
26 of this chapter. A motorized vehicle that was previously
27 titled or is currently titled under chapter 321, except section
28 321.118, shall not be registered or operated as an off-road
29 utility vehicle under this chapter.

30 Sec. 13. Section 321I.9, unnumbered paragraph 1, Code 2011,
31 is amended to read as follows:

32 Registration under this chapter shall not be required for
33 the following described all-terrain vehicles:

34 Sec. 14. Section 321I.31, subsection 1, Code 2011, is
35 amended to read as follows:

1 1. The owner of an all-terrain vehicle acquired on or
2 after January 1, 2000, other than an all-terrain vehicle used
3 exclusively as a farm implement, ~~or~~ a motorcycle previously
4 issued a title pursuant to chapter 321, or an all-terrain
5 vehicle titled and registered in accordance with section
6 321.118, shall apply to the county recorder of the county in
7 which the owner resides for a certificate of title for the
8 all-terrain vehicle. The owner of an all-terrain vehicle
9 used exclusively as a farm implement may obtain a certificate
10 of title. A person who owns an all-terrain vehicle that is
11 not required to have a certificate of title may apply for and
12 receive a certificate of title for the all-terrain vehicle
13 and, subsequently, the all-terrain vehicle shall be subject to
14 the requirements of this chapter as if the all-terrain vehicle
15 were required to be titled. All all-terrain vehicles that
16 are titled under this chapter shall be registered under this
17 chapter.

18 EXPLANATION

19 This bill provides for the registration and operation of
20 certain all-terrain vehicles and minitrucks on noninterstate
21 highways.

22 The bill provides a definition of "minitruck" and allows
23 unregistered minitrucks to be operated on a highway by a
24 licensed driver, without registration, for the same purposes as
25 all-terrain vehicles: agricultural purposes; land surveying;
26 construction or maintenance by a political subdivision or a
27 public utility; emergency services or rescue performed by
28 a public agency; or mowing, installing signs, or providing
29 maintenance on a snowmobile or all-terrain vehicle trail
30 designated by the department of natural resources. A person
31 who operates a minitruck in violation of these restrictions
32 is subject to the current penalty applicable to all-terrain
33 vehicle operation. A violation is a simple misdemeanor,
34 punishable by a scheduled fine of \$50.

35 The bill provides that all-terrain vehicles with four

1 or more wheels and a combustion engine having a piston or
2 rotor displacement of 200 centimeters or more and minitrucks
3 may be registered with the department of transportation for
4 operation on noninterstate highways. The provision includes
5 off-road utility vehicles, which for purposes of motor vehicle
6 regulation, are included in the definition of "all-terrain
7 vehicle". To qualify for registration, the vehicle must
8 be equipped with headlights, taillights, turn signals, and
9 a rearview mirror. A minitruck must also be equipped with
10 windshield wipers and safety belts. The annual registration
11 fee for an all-terrain vehicle or minitruck is \$40. Because
12 all-terrain vehicles and minitrucks are currently subject to
13 sales tax, the bill provides that the vehicles are exempt
14 from the fee for new registration imposed on vehicles subject
15 to registration, so long as the owner has paid the sales
16 tax at the time of purchase. The current 35 mile per hour
17 speed restriction for all-terrain vehicles is eliminated for
18 all-terrain vehicles other than implements of husbandry. A
19 person who operates on a highway a vehicle which is required
20 to be registered but is not registered commits a simple
21 misdemeanor, punishable by a scheduled fine of \$50.

22 Under current law, all-terrain vehicles operated on public
23 land or ice or on designated riding areas or designated riding
24 trails are required to be registered with the department
25 of natural resources. All-terrain vehicles acquired after
26 January 1, 2000, other than those used exclusively as farm
27 implements, must also be titled by the department. The bill
28 provides an exception to that titling requirement for an
29 all-terrain vehicle titled and registered with the department
30 of transportation. However, under the bill, an all-terrain
31 vehicle which is titled and registered for highway operation
32 must still be registered separately with the department of
33 natural resources for operation on public lands or ice or on
34 designated riding areas and designated riding trails.

35 The bill provides an exemption from seat belt and child

H.F. 2090

1 safety seat requirements for drivers of and passengers on
2 all-terrain vehicles registered for operation on a highway.
3 Pursuant to current law relating to proof of financial
4 responsibility, a person operating an all-terrain vehicle or
5 minitruck on a highway would be required to maintain proof of
6 financial liability coverage in the vehicle.